

BOARD OF COUNTY COMMISSIONERS * TIME CERTAIN 3:00 P.M. *
AGENDA ITEM SUMMARY PUBLIC HEARING

Meeting Date: May 16, 2006 - KL

Division: County Attorney

Bulk Item: Yes No X

Department: County Attorney

Staff Contact Person: Suzanne A. Hutton

AGENDA ITEM WORDING:

Public Hearing and approval to advertise a second public hearing to discuss approval of an ordinance amending Chapter 3, Section 3-5(6), 3-13, 3-14, 3-27 and 3-28, (Animal Control), Monroe County Code.

ITEM BACKGROUND:

On 2/15/06 the Board approved advertising a public hearing to consider adoption of an ordinance amending Chapter 3, Monroe County Code. A notice was published on two separate dates in all three area newspapers. The public hearing was held on 3/15/06 in Marathon, FL and the Board subsequently approved the Ordinance recorded as *Ordinance No 006 - 2006*.

Following the public hearing and enactment of Ordinance No. 006-2006, numerous complaints were received by the BOCC and the County Attorney from veterinarians and other members of the public. The matter was placed on the 4/19/06 agenda by the County Attorney for discussion. Input was also provided by many speakers including animal shelter providers, veterinarians, animal trainers and members of the public. As a result of the input provided and research by the County Attorney, an ordinance was drafted proposing to amend the specific sections of the Ordinance addressed.

PREVIOUS RELEVANT BOCC ACTION:

2/15/06 BOCC approval to advertise a public hearing to be held 3/15/06 in Marathon to consider adoption of an Ordinance to revise Chapter 3, Monroe County Code.

3/15/06, public hearing was held and the Board adopted *Ordinance No. 006- 2006* amending Chapter 3, Monroe County Code.

In response to public outcry, on 4/19/06 the BOCC placed a two-month moratorium on enforcement of *Ordinance 006-2006* and directed staff to draft an amendment to address specific areas of concern.

CONTRACT/AGREEMENT CHANGES: N/A

STAFF RECOMMENDATIONS: Approval

TOTAL COST: N/A

BUDGETED: Yes No

COST TO COUNTY:

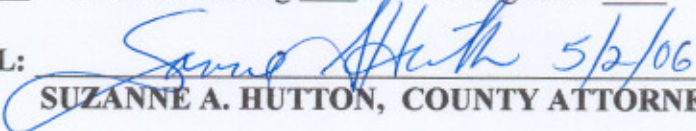
SOURCE OF FUNDS:

REVENUE PRODUCING: Yes No

AMOUNT PER MONTH **Year**

APPROVED BY: County Atty X OMB/Purchasing Risk Management

DIVISION DIRECTOR APPROVAL:


SUZANNE A. HUTTON, COUNTY ATTORNEY

DOCUMENTATION: Included X Not Required

DISPOSITION:

AGENDA ITEM #

**NOTICE OF INTENTION TO CONSIDER
ADOPTION OF COUNTY ORDINANCE**

NOTICE IS HEREBY GIVEN TO WHOM IT MAY CONCERN that on **May 16, 2006 at 3:00 P.M.** at the Key Largo Library, Tradewinds Shopping Center, 101485 Overseas Highway, Mile Marker 101, Key Largo, Monroe County, Florida, the Board of County Commissioners of Monroe County, Florida, intends to consider the adoption of the following County ordinance:

AN ORDINANCE AMENDING SECTIONS 3-5(6), 3-13, 3-14, 3-27 AND 3-28, MONROE COUNTY CODE; PROVIDING FOR CLARIFICATION OF PREMISES REQUIRING WARRANT; PROVIDING LICENSE FEE FOR EXEMPTION FROM SPAY/NEUTER REQUIREMENT TO BE \$100; PROVIDING FOR VETERINARIAN CERTIFICATION OF HEALTH REASON FOR EXEMPTION FROM REQUIREMENTS OF SPAYING OR NEUTERING OF CATS AND DOGS; PROVIDING FOR A FINE OF \$500 FOR THE IMPOUNDMENT OF ANY DOG OR CAT WHICH IS NOT SPAYED OR NEUTERED; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES INCONSISTENT HERewith; PROVIDING FOR INCORPORATION INTO THE MONROE COUNTY CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE.

Pursuant to Section 286.0105, Florida Statutes, notice is given that if a person decided to appeal any decision made by the Board with respect to any matter considered at such hearings or meetings, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Copies of the above-referenced ordinance are available for review at the various public libraries in Monroe County, Florida.

Dated at Key West, Florida, this 24th day of April, 2006.

DANNY L. KOLHAGE, Clerk of the Circuit Court
and ex officio Clerk of the Board of County
Commissioners of Monroe County, Florida

(SEAL)

Publication dates:

Reporter	(Fr) 4/28/06	(Fr) 5/5/06
Keynoter	(Sa) 4/29/06	(Sa) 5/6/06
KW Citizen	(Su) 4/30/06	(Su) 5/7/06

ORDINANCE NO. ____-2006

AN ORDINANCE AMENDING SECTIONS 3-5(6), 3-13, 3-14, 3-27, AND 3-28, MONROE COUNTY CODE; PROVIDING FOR CLARIFICATION OF PREMISES REQUIRING WARRANT; PROVIDING LICENSE FEE FOR EXEMPTION FROM SPAY/NEUTER REQUIREMENT TO BE \$100; PROVIDING FOR VETERINARIAN CERTIFICATION OF HEALTH REASON FOR EXEMPTION FROM REQUIREMENTS OF SPAYING OR NEUTERING OF CATS AND DOGS; PROVIDING FOR A FINE OF \$500 FOR THE IMPOUNDMENT OF ANY DOG OR CAT WHICH IS NOT SPAYED OR NEUTERED; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES INCONSISTENT HERewith; PROVIDING FOR INCORPORATION INTO THE MONROE COUNTY CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Monroe County (BOCC), at their meeting of March 15, 2006, after having published two notices of the public hearing in each of the three newspapers of general circulation providing notice in the Upper, Middle and Lower Keys, did enact Ordinance No. 006-2006, revising Chapter 3 of the Monroe County Code; and

WHEREAS, members of the public complained after the passage of said ordinance of provisions therein; and

WHEREAS, the County Attorney placed on the April 19, 2006 agenda of the BOCC a request for direction as to any changes desired to be made to the ordinance; and

WHEREAS, at the April 19, 2006 meeting, approximately 25 speakers addressed the BOCC regarding Ordinance No. 006-2006; and

WHEREAS, the majority of speakers voiced objections to some or all of said ordinance; and

WHEREAS, at least one-fourth of the speakers endorsed the ordinance completely, or requested that very little change be made to it; and

WHEREAS, it is desired to modify those portions of Ordinance No. 006-2006 to alleviate some of the burdens perceived by many of the persons objecting to the ordinance, yet retain controls to address the difficulties faced by animal control authorities in carrying out their responsibilities to both insure the protection of the public and of those animals subjected to inhumane treatment; now therefore,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA:

Section 1. Section 3-5(6), Sub-paragraph (c), Monroe County Code, shall be amended as follows:

(c) The animal control officer shall dispose of impounded animals which are not claimed and released within five ~~seven-(7)~~ (5)days by one of the following methods:

(1) adoption by an individual person who meets adoption criteria for the animal; or

(2) humane euthanasia under State statute if the animal is deemed unadoptable or cannot be placed within a reasonable time with a duly recognized service provider to the County, such as a licensed humane society or animal protection shelter; or

(3) release to a duly recognized service provider to the County, such as a licensed humane society or animal protection shelter. However, if a dog or cat has a collar, license, or other evidence of ownership, the animal control officer shall notify the owner of the impoundment. Disposition of the animal shall then not be made until after five (5) days from the date of mailing a written notice, unless the owner has, prior to the end of the five (5) days, redeemed the animal or relinquished in writing ownership of the animal. The animal control supervisor shall maintain a record of when the animal was acquired and under what circumstances. This record shall also indicate the date of notice sent to the owner of an animal and any subsequent disposition of the animal. This section does not apply to animals which are sick or injured to the extent that the holding period would cause the animal to suffer. Regulations regarding the sale of animals from the animal protection shelter and boarding and other charges shall be posted in a conspicuous place at the animal control shelter. The bodies of all animals destroyed at the animal control shelter or elsewhere in the county shall be disposed of by the animal control officer in a manner approved by the Monroe County Health Department and the Board of County Commissioners. Any animals voluntarily relinquished to the animal control shelter by their owners for disposition (not boarding), need not be kept for the minimum period of five (5) days before release or disposal of the animal by the animal control officer.

Section 2. Section 3-5(6), Sub-paragraph (e), Monroe County Code, shall be amended as follows:

(e) The animal control officer is authorized and empowered in accordance with the provisions of this Ordinance to enter upon private premises (excepting entry into the private areas of buildings or enclosures constructed to provide privacy, unless in possession of a Search Warrant) for the purpose of inspecting those premises to determine if the owners of dogs, cats or animals harbored, kept or possessed on the premises have complied with the provisions of this Chapter. The animal control officer is authorized and empowered to issue a citation to the owner of any dogs, cats or ferrets for whom no license has been procured in accordance with this Chapter or for any other violation of this Chapter. The provisions of this subsection shall include, but not be limited to, investigation of, and seizure for, cruelty to animals, and investigation and seizure of vicious or dangerous animals.

Section 3. Section 3-13, Monroe County Code, shall be amended as follows:

Sec. 3-13. Neutering of dogs and cats.

(1) Required Spay and Neutering. No person in Monroe County shall own, possess, or have control or custody of a dog, or cat four (4) months of age or older which is not spayed or neutered except for those animals for which an exemption license has been issued and those animals for which a veterinarian's certificate of exemption for health reasons, meeting the requirements of subsection (3), has been provided to the local animal control supervisor.

(2) Licensed Exemptions. Owners and keepers of dogs and cats who do not want their animals spayed or neutered, ~~regardless of the reason,~~ shall obtain an annual license from their local Animal Control Office of Monroe County. The annual fee for this license shall be \$500 \$100 per animal. The animal shall be kept in an enclosed building or kennel, and when outside of said enclosure shall be under the direct control of the owner.

(3) Veterinarian Certified Exemption. Owners and keepers of a dog and cat for which a veterinarian licensed to practice veterinary medicine by the State of Florida has certified in writing that a procedure to spay or neuter the animal would be injurious to the animal's health because of its age, infirmity, disability, illness, or other medical considerations shall be exempt from the spay/neuter exemption license fee for such time as is covered by the veterinarian certificate, provided said certificate is filed with the animal control supervisor. The animal shall be kept in an enclosed building or kennel, and when outside of said enclosure shall be under the direct control of the owner, until the animal is spayed or neutered.

(3) (4) Spay, Neuter or License for Exemption Required. No dog or cat which is four (4) months of age or older shall be released by any County Animal Control officer to an owner or keeper unless said animal is spayed or neutered or licensed to be exempt from the spay/neuter requirement. A dog or cat requiring spaying or neutering may be released to the veterinarian of the owner's choice to be spayed or neutered at the owner's expense. Upon a finding that an animal will be suitably confined until the spay or neuter process, the Animal Control Supervisor may order impoundment in the owner's home under such rules as have been previously established in writing for the animal shelter where the animal has been impounded.

Section 4. Section 3-14, Subsection (4) Monroe County Code, (Chaining and tethering animals prohibited) shall be created to read as follows:

(4) Temporary Exception. A dog may be tethered to allow for the cleaning of the dog's enclosure or while the owner is outside with the dog and is in visual contact of the animal at all times to prevent injury to the dog.

Section 5. Section 3-27, Subsection (2) Monroe County Code, shall be amended as follows:

Sec. 3-27. Impounding, redeeming by owner, disposition of unredeemed dogs and cats.

(2) Disposal of Unredeemed Animals: Fees. After a period of confinement of five (5) days, those animals not claimed may be disposed of through approved humane agencies, or otherwise in a humane manner. Animals shall be released to owners on presentation of proof of ownership and after proper inoculation, licensing and payment of fees, including a \$500 fine if the animal was at large and is unneutered, or sterilization of said animal prior to release.

Section 6. Section 3-28, Monroe County Code, shall be amended as follows:

Sec. 3-28. Number of Dogs, cats, ferrets restricted and birds allowed.

(1) The number of dogs, cats, and ferrets are not restricted as long as animals are properly licensed, vaccinated, housed and cared for, do not cause a nuisance, and other housing or association rules are complied with.

(+ 2) Any number of birds may be kept as long as they are adequately and humanely cared for, their noise does not reasonably intrude into the domain of other persons, and their keeping does not create any threat to the health and safety of the public due to unsanitary conditions.

Section 7. SEVERABILITY. If any portion of this ordinance is for any reason held invalid or declared to be unconstitutional, inoperative or void, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provision thereof shall be held to be inapplicable to any person, property or circumstances, such holding shall not affect its applicability to any other person, property or circumstances.

Section 8. CONFLICT WITH OTHER ORDINANCES. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

Section 9. INCLUSION IN CODE OF ORDINANCES. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the County of Monroe, Florida, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

Section 10. EFFECTIVE DATE. This ordinance shall take effect when a copy has been accepted by the postal authorities of the Government of the United States for special delivery by certified mail to the Department of State.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the ____ day of _____, 2006.

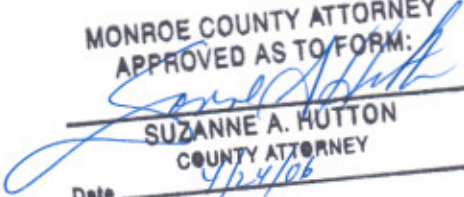
Mayor Charles "Sonny" McCoy
Mayor Pro Tem
Commissioner Dixie Spehar
Commissioner George Neugent
Commissioner David Rice

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

By: _____
Mayor/Chairman

(SEAL)
ATTEST: DANNY L. KOLHAGE, CLERK

By: _____
Deputy Clerk

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:

SUZANNE A. HUTTON
COUNTY ATTORNEY
Date 4/24/06

Spay/Neuter Immediately



Today, thousands of unwanted animals will suffer and die. A shocking number of dogs, cats, birds, rabbits, and others are born daily into a world whose homes and hearts don't have room for them.

For every one companion animal who lives inside with a human family and receives the attention (toys, exercise, companionship, etc.), health care, and emotional support that he or she needs, there are many more who are just barely

surviving. Millions of domestic animals never know a kind human hand. They live hard lives on the street before dying equally hard, agonizing deaths. Strays and [feral animals](#) starve, freeze, get hit by cars, or die of disease. Some are picked up by dealers called "[bunchers](#)," who then sell them to laboratories and the hideous world of vivisection.

Others suffer all the same with careless owners. Some live inside homes but are deprived of veterinary care. Social [birds](#) are left alone in tiny, barren cages for years as decorations. [Rabbits](#) and rodents are kept in filthy cages and only paraded out as a source of entertainment now and then. [Cats](#) are left outside and suffer the same fates as strays. Millions of [dogs are left chained outside](#) or kept in waste-strewn pens, slowly going insane for years, with only a metal barrel or a tree to protect them from the elements during storms. Every caring person has been haunted by countless scenes like these in our own neighborhoods.

[Animals left outdoors unsupervised and uncared for fall victim to cruel people every day, in every state.](#) Many cruelty-to-animals cases begin with unwanted animals. They are shot, poisoned, tortured, mutilated, fought, used as bait animals, set on fire, starved, hanged, stabbed, dragged behind vehicles, bludgeoned, and beaten. Many of them end up suffering for years at the hands of [animal hoarders](#), where they suffer fates worse than death and languish next to one another without proper sustenance, shelter, care, or socialization.

The following is a sample of communities that have either mandated spaying and neutering, instituted di or placed restrictions on breeding.

New Mexico

McKinley County

New Jersey

Camden

New York

New York City

North Carolina

[Asheville](#)
[Buncombe County](#)

Ohio

Athens
Richmond

Washington

[King County Tacoma](#)

The following states require mandatory spaying or neutering of all animals adopted from animal shelters

Michigan
Missouri
Montana
Nevada
New Hampshire
New Mexico
New York
North Dakota
Oklahoma
Rhode Island
Texas
Virginia

Belmont

- City Code outlines a differential licensing program for dogs and cats, as follows: unaltered dogs \$11, unaltered cats \$11, spayed/neutered dogs \$11, spayed/neutered cats \$11 (Animal Population Trust Fund), unaltered cats \$11, spayed/neutered dogs \$11, spayed/neutered cats \$11.
- Having unaltered animals also requires that a breeding permit be obtained for \$25.
- Guardians of unaltered animals are required to pay higher redemption fees when their animals are impounded at shelters. The impound charge is \$20 for a spayed/neutered animal and is \$40 for an unaltered animal (if an animal is not licensed). Each time impounded, the fee increases: second offense, \$30/\$60, third offense, \$40/\$80.

\$100, fourth offense \$120/\$140 and fifth offense and up \$150/\$170.

- If an animal is impounded twice in a three-year period, he or she will be sterilized before being released to the guardian.

Article IA, Sec. 5-27.5 (a) No person shall own or harbor ... any cat or dog over the age of six (6) months who has not been spayed or neutered, unless such person holds either a license to keep an unaltered cat or dog or license and permit for breeding cats or dogs issued by San Mateo County Animal Control Services. (b) A license shall be issued for an unaltered dog or cat if the owner signs a written statement that such animal will not be allowed to breed unless the owner has first obtained a breeding permit.

Article IA, Sec. 5-27.6 (d)(4) Any permit holder advertising to the public the availability of any animal for adoption or sale must prominently display the permit number in any publications in which they appear. Further, the permit number must be provided to any person adopting or purchasing any animal from the permit holder.

Article IA, Sec. 5-27.7 (d) Prior to release for adoption, any animal adopted from any animal welfare agency shall be spayed or neutered.

Article IA, Sec. 5-27.8 (a) Any permit issued pursuant to section 5-27.6 be revoked if the animal officer has reasonable cause to believe any of the following to be true: ... (3) The permittee has failed to comply with any condition or requirement of the permit or has failed to pay any fee imposed under this Code.

Article IA, Sec. 5-27.9, Penalty for violation. (1) A fine not to exceed \$100 for a first violation. (2) \$200 for a second violation within one year. (3) A fine ... \$500 for each additional violation within the same year.

City of Clearlake

- Spaying and neutering is mandatory for dogs and cats over the age of 4 months.
- Anyone intentionally caring or providing for a dog or cat is declared the "owner" of that animal at that time accordingly.
- Certain animals are exempted from this ordinance's provisions.

7-10.1 No person shall own, harbor, or keep within the City of Clearlake, a dog or cat over the age of 4 months, which has not been spayed or neutered unless the dog or cat is exempted from the provisions of this section pursuant to Section 7-10.3.

7-10.2 Any person intentionally providing care or sustenance for a dog or cat shall be deemed the owner of such dog or cat and shall comply with Section 7-10.1.

7-10.3 The following animals are exempt from the provisions of Section 7-10.1.

(a) Dogs documented as having been appropriately trained and actually being used by public law enforcement agencies for law enforcement activities, or such dogs designated as breeding stock by an appropriate agency or organization approved by the Director of Animal Care & Control after consultation with knowledgeable professionals;

(b) Dogs having been appropriately trained and actually being used as a service dog, such as a guide dog, hearing dog, assistance dog, seizure alert dog, or social/therapy dog, or such dogs designated as breeding stock by an appropriate agency or organization approved by the Director of Animal Care & Control after consultation with knowledgeable professionals;

(c) Dogs documented as having been appropriately trained and actually being used by search and rescue agencies for search and rescue activities, or such dogs designated as breeding stock by an appropriate agency or organization approved by the Director of Animal Care & Control after consultation with knowledgeable professionals;

(d) Dogs or cats certified by a licensed veterinarian as having a health reason for not being spayed/neutered;

(e) Dogs which are appropriately trained and actually being used for herding of other animals, or as livestock guardian dogs, hunting dogs, or such dogs designated as breeding stock by an appropriate agency or organization approved by the Director of Animal Care & Control after consultation with knowledgeable Professionals;

(f) Dogs or cats boarded in a licensed kennel or a business, which boards such animals for professional training or resale;

(g) Dogs or cats which are registered with the American Kennel Club, the Cat Fancier's Association or other recognized registry or trained and kept for the purpose of show, field trials or agility trials.

Section 2: The provisions of this ordinance shall not become operative until June 1, 2006.

Hesperia

- Any impounded animal shall be spayed or neutered at the guardian's expense before being returned, except for properly tagged and licensed dogs, unless those dogs have been found loose off the property on three or more occasions in a three-year period.
- Any impounded animal shall be properly licensed at the guardian's expense before being returned.
- Licensing charges are \$50 a year for unaltered dogs and \$12 for spayed or neutered dogs.

6.08.020E Any dog found running at large, running loose, or unrestrained off the owner's property shall be required to be spayed or neutered and properly licensed, at the owner's expense before being returned to their owner.

Exception: Any properly tagged and licensed dog shall not be required to be spayed or neutered unless found running at large, running loose, or unrestrained off the owner's property on three or more occasions in a three-year period.

Los Angeles

- Spaying and neutering is mandatory for all dogs and cats in city limits unless the guardian has a current annual unaltered animal permit.
- If the guardian wishes to breed the animal, they must also obtain a breeders license.
- All dogs bred for sale or trade must be registered and seller must disclose permit number and number on any advertisement.
- Violators will be fined \$500.00 and would be considered a misdemeanor.
- Exempts animal shelters that have implemented an ongoing spay/neuter program.

(1) No person shall cause or allow any dog or cat owned, harbored or kept within the City of Los Angeles to breed without first obtaining a breeding permit, as described below. The term breeding permit shall mean a written authorization, issued annually by the General Manager, giving its lawful holder permission to breed a dog or a cat.

(2) Each breeding permit shall be valid for one year from the date of issuance, and may be renewed annually, before its expiration date. Each applicant for such a permit shall pay an annual fee of \$100. A separate permit must be obtained for each owned dog or cat which is allowed to breed.

(3) The Department shall administer an animal breeding permit program to allow the breeding of dogs and cats consistent with criteria and according to procedures established by the General Manager pursuant to Section 53.58 of this Code. Under no circumstances shall such a permit be issued to a person who has been convicted of animal cruelty or neglect.

(4) In addition to the criteria and procedures established by the General Manager pursuant to Part 1 of this subsection, all breeding permits shall contain the following terms and conditions:

a. The owner of an unaltered female dog or cat shall not allow the whelping of more than one litter in any household within the permit year. Notwithstanding this provision, the General Manager is hereby authorized, upon application of a permittee, to allow on a one-time basis the whelping of up to two dog or cat litters per breeding animal within any domestic household within a permit year, if the permittee establishes, according to regulations promulgated by the General Manager, that such breeding is required to protect the health of the animal or avert a substantial economic loss to the permittee. In the event that a permittee is forced to euthanize a litter of dogs or cats, the General Manager may authorize the whelping of one additional litter of dogs or cats within the same permit year by the permittee;

b. No offspring may be sold, adopted, bartered, or otherwise transferred, whether for compensation or otherwise, until it has reached the age of at least eight weeks;

c. No offspring may be sold or adopted until immunized against common diseases. The sale or adoption of a dog or cat shall include a statement signed by the seller or adopter attesting to the signatory's knowledge of the animal's health, and the animal's immunization history;

d. Any holder of a breeding permit who advertises to the public the availability of any dog or cat for sale, adoption, or transfer, whether for compensation or otherwise, must prominently display the permit number in any such advertisement. Further, the breeding permit holder must provide the permit number to any person who purchases, adopts or receives any animal from the permit holder and include the permit number on any receipt of sale or transfer document;

e. Commercial establishments selling locally bred dogs or cats shall prominently display the breeding permit number(s) of the breeder(s) whose dogs and cats are sold in said establishments and any other pertinent information required by the General Manager; Commercial establishments selling dogs and cats which were not bred within the City of Los Angeles shall prominently display the name and address of the breeder(s) of such dogs and cats and any other pertinent information required by the General Manager;

f. Any breeding permit holder selling or otherwise transferring a dog or a cat, whether for compensation or otherwise, shall submit to the Los Angeles Department of Animal Regulation the name, address, and telephone number of the animal's new owner within five days from the sale or other transfer, on a Department approved form; and

g. Any breeding permit holder or commercial establishment which sells or otherwise transfers a dog or cat, whether for compensation or otherwise, shall provide to the new animal owner City application(s) for a license and permit as well as written information regarding the license and permit requirements of the City of Los Angeles applicable to such animal.

(5) The following animals are exempt from the breeding permit requirements:

(1) Dogs documented as having been appropriately trained and actively used by law enforcement agencies for law enforcement and rescue activities;

(2) Dogs documented as guide, signal, or service dogs pursuant to California Penal Code Section 365.5(d), (e) & (f) and successor sections;

(3) Dogs and cats certified by a licensed veterinarian as not being suitable subjects for spaying and neutering due to health reasons;

(4) Dogs and cats under the care of governmental animal control agencies; animal rescue organizations which have demonstrated to the Department that they have implemented an ongoing spay/neuter plan, as well as an adoption plan; or humane societies or societies for the prevention of cruelty to animals, of such societies are incorporated under the provision of California Corporations Code Section 10400 and the Nonprofit Public Benefit Corporation Law in Part 2 of the California Corporations Code, beginning at Section 5110, and successor sections; and

(5) Dogs documented as enrolled in a guide, signal or service dog breeding program administered by a person licensed under Chapter 9.5.

Penalties:

(1) Any cat or dog owner found by the Department to be in violation of the breeding permit provision of this section may correct the violation(s) by providing conclusive proof to the Department that the dog(s) or cat(s) have been spayed or neutered, or by obtaining the necessary permits(s) mentioned in this section, no later than forty five days from the date when the Department had first notified the owner of the violation. Should the owner fail to correct the violation(s) in the manner described above, the Department shall impose a \$500.00 civil penalty on the dog or cat owner. Notice of this penalty shall be served by the Department on the dog or cat owner in the manner allowed by Section 11(i) of this Code. This penalty shall not be waived by the Department upon the transfer or abandonment of the dog or cat by the non compliant owner. This penalty shall be imposed in addition to any other applicable civil or criminal penalties.

If the civil penalty mentioned above is not paid and the owner does not spay/neuter his/her dog(s) or cat(s) or obtains the breeding permit(s) required under Subsection (c), above, within fifteen days from the date when the Department first notified the owner of the imposition of the civil penalty mentioned in Section (d)(1), the continuing violation of the breeding permit requirement of this section becomes a misdemeanor and may be prosecuted as such.

(2) The Department may revoke any permit issued.

Pacific Grove

- All dogs and cats are required to be spayed or neutered unless the guardian obtains an unaltered
- There is a licensing differential of \$7.50 for a spayed or neutered animal and \$30 for an unaltered
- Impoundment fees for licensed and spayed or neutered dogs are waived; licensed, unaltered dogs if the guardian signs an agreement to spay or neuter the dog within 10 days.

~~commercial breeder's permit.~~

Ord. 10.04.100 (1) Licensed and Sterilized Dogs. For a currently licensed dog that has been ste reclaiming owner shall be granted a waiver from the impoundment fee for the first-time impound the dog. (2) Licensed Dogs, Unsterilized. For a licensed but unsterilized dog, the first-time impoi fee and unsterilized dog fee may be waived at the request of the reclaiming owner provided that ~~the owner pay the fee for sterilization and deposit the requisite fee with a licensed veterinarian. In return, the veterinarian provide the owner with a receipt certifying that sterilization of the animal has been paid for and s or that health considerations preclude sterilization. Upon presentation of such receipt and certifi the holding agency, the animal shall be released to the owner. Sterilization under this procedure place no later than ten days after release ... In the event of failure to meet the appropriate dead deposit shall be forfeited, and after deducting reasonable costs, the veterinarian shall return the to the city or its designee for educational purposes related to pet sterilization programs.~~

Ord. 10.18.010, Sterilization of Adopted Animals--Fees. (a) No unsterilized dog or cat shall be n the city or its designee for adoption unless the adopter first follows the "Delivery to Veterinarian" procedure.

Ord. 10.16.040 Breeding. (1) The requirement for a breeding permit may be waived if, on the fir occasion of such birth, the litter is delivered to the S.P.C.A. for humane disposition, the owner h parent animal sterilized, and proof of such actions is provided to the city or its designated repres (4) Permits shall apply to no more than one litter per adult female per year regardless of litter siz as follows: Owners wishing to produce litters at a rate higher than one per year may be issued a commercial breeding permit upon completion of the appropriate application and payment of the established by resolution of the council. The commercial breeding permit is not subject to the sir limitation.

San Mateo

- Any dog or cat over 6 months of age must be spayed or neutered, unless the guardian holds an
- If the animal breeds accidentally, the guardian must obtain a breeder's permit in addition to the
- Any guardian redeeming an impounded unaltered animal will be required to pay a spay/neuter fi of \$35 in addition to the impound fees imposed. This fee will be refunded if the animal is spayed 30 days. Any unaltered animal impounded twice or more within a 3-year period will be altered at expense prior to redemption. At the option of the guardian, required spaying or neutering may b private veterinarian.
- There are differential licensing charges: \$11 for spayed or neutered dogs and \$21 (which includ surcharge for the Animal Population Trust Fund) for unaltered dogs. Spayed/neutered cats are \$ unaltered cats.
- Penalties for violation, of spay/neuter ordinances are fines not to exceed \$100 on the first offens second offense, and \$500 for each additional violation of the same ordinance within one year.

Chap. 8.02.090, Sec. 3332.4 (a) No person shall own or harbor within the City any cat or dog o age of six months which has not been spayed or neutered, unless such person holds either a lic keep an unaltered dog or cat or a license and permit for breeding cats or dogs.

Chap. 8.02, Sec. 3330.8 Upon redemption of any impounded unaltered animal, the owner will b to pay a spay/neuter fee in the amount of \$35.0 in addition to the impound fees imposed under : 3330.12. Such fee shall be refundable upon proof of spaying /neutering of the animal within 30 c redemption date. Any unaltered animal impounded twice or more within a three-year period sha altered at the owner's expense prior to redemption. At the option of the owner, required spaying neutering may be performed by a private veterinarian.

Colorado

Aurora

- Differential licensing allows for a reduced cost for spayed/neutered animals.
- Permits for unaltered animals may be purchased for \$25 (in addition to the annual \$7 license fee are not allowed to breed.
- All litters born are is required to have a litter permit and registration number.
- A breeder's permit required for professional breeders (\$85/year) for anyone selling for giving aw required to be displayed for any animal for sale. The permit must be purchased before producin puppies or kittens.
- Cats are prohibited from running at large.

Sec. 14-42 (a) Spay or Neuter Required It shall be unlawful to own, possess or keep in the city or cat over the age of six months that has not been spayed or neutered, except as provided in (b) of this section.

Sec. 14-42 (b) Exceptions. The following are exceptions to the spay or neuter requirements in (a) of this section:

(1) **Medical.** A licensed veterinarian has determined that an animal is medically unsuited to und surgical procedure. A signed statement from a licensed veterinarian is required and shall state the medical grounds for the exemption.

(2) **Temporary medical.** When the animal's medical condition is temporary in nature, the licensed veterinarian shall sign a written statement as to the prognosis of when the surgery may be performed. The date given on that prognosis shall become the expiration date of the temporary medical exemption. The period of the temporary medical exemption, spay or neuter shall be required unless a licensed veterinarian provides another temporary medical exemption and prognosis of when the surgery performed.

(3) **Transitory status.** An animal which is temporarily in the city. When an animal is temporarily for breeding purposes, the owner of such animal is required to have and present, when requested, certificate of health signed by a licensed veterinarian.

(4) **Intact permit.** An owner obtains an annual intact animal permit and is in compliance with the annual licensing requirements contained in this chapter.

Sec. 14-42 (c) Litter Permit and Registration Number. All litters, or a portion thereof, of puppies or kittens that are to be whelped, queened, sold, traded, bartered, given away, or otherwise transferred within the City of Aurora shall have a litter permit and registration number. (1) The owner or possessor shall obtain a litter permit and registration number within one week of obtaining possession of all or portion thereof, of puppies or kittens. (2) Owners or possessors shall abide by all the litter permit and registration administrative requirements. (3) The litter permit and registration number requirements of this subsection shall not apply to pet shops.

Sec. 14-42 (d) Penalty. Any owner found guilty of violating this section and not classified within exceptions shall be subject to both fine and imprisonment as provided by section 1-13 if this Code. On the first conviction, the court shall impose a fine of not less than \$100.00. A portion of the minimum monetary fines and imprisonment may be suspended by the municipal court only if the owner of animal in violation presents to the court proof of the spay or neuter of the animal. Upon a second conviction, in addition to any penalty provided by section 1-13, the owner shall be required to spay or neuter the animal (unless the owner provides a written statement from a licensed veterinarian that spay or neuter procedure would be harmful or dangerous to the health of the animal). Nothing in this subsection shall be construed as preventing the animal care officer from instituting a proceeding in municipal court for violation of this section where there has been no impoundment.

Denver

- Breeding is illegal in Denver County.
- Spaying and neutering is mandatory for all animals over 6 months old unless there is a medical exemption.
- Guardians who do not want to spay or neuter their companion animals must pay \$43 each year permit. If denied an intact permit, by law the animal must be spayed or neutered. An intact permit is required for breeding; breeding is illegal.
- If guardians fail to comply with the spay/neuter municipal codes, the animal's license will be revoked and the animal could be impounded.

Ord. No. 999-95, Sec. 8-70. It is the purpose of this section to promote the health, safety and general welfare of the residents of the city by reducing the number of stray dogs and cats. The council finds that each year tens of thousands of dogs and cats are euthanized in the city because they are not wanted. The purpose of this section is to eliminate the excessive numbers of unwanted animals and thereby prevent the needless killing of these animals by restricting the breeding practices of pet owners and breeders. It is the intent of this legislation that is both reasonable and enforceable.

Ord. No. 999-95, Sec. 8-71. It shall be unlawful to own, possess or keep in the city any dog or cat over the age of six (6) months that has not been spayed or neutered.

Ord. No. 999-95, Sec. 8-73. Notwithstanding the provisions of sections 1-13, any person cited for violation of this article shall have his or her citation dismissed if there is proof of compliance with this article within thirty (30) days of the date of the summons or impoundment.

Lake County

- Differential fines for animals running loose charging allow for \$100 for unaltered animals and \$25 for spayed/neutered animals.

Illinois

Rock Island

- It is mandatory to spay or neuter all dogs and cats unless the guardian pays for an "unaltered license."
- Differential licensing establishes fees of \$6 for spayed/neutered animals and \$30 for unaltered animals. For senior citizens are \$15 for unaltered animals and \$3 for spayed or neutered animals.
- Breeders must also pay a license fee of \$6 for each dog over 6 months of age in addition to the license.
- Any dog or cat who is impounded for the second time will be spayed or neutered. The guardian penalty fee in addition to the reasonable cost of this mandatory sterilization when redeeming the shelter.

Div. 2, Dogs and Cats. Sec. 7-146. Spaying And Neutering: (a) No person shall own, harbor or within the City any cat or dog over the age of six (6) months which has not been spayed or neutered unless such person holds either a license for breeding cats or dogs issued by the City or possesses an unaltered dog or cat license as stated in this section or a written certificate from a licensed veterinarian that, due to health considerations, the animal should not be spayed or neutered.

Div. 3, Impoundment. Sec. 7-156. (3) Any dog or cat that is impounded a second time within a period shall be altered. The owner shall pay a penalty in the sum of fifty dollars (\$50.00) for a second impoundment and in addition thereto the reasonable cost for the mandatory altering of the animal. Altering would not endanger the health of the animal.

Indiana

Bloomington

- Any guardians who intentionally or unintentionally cause or allow their companion animal to breed without acquiring a breeding permit.
- Breeders are required to keep a record of all births sales, information on each buyer, and proof of legal breeding.
- Breeders are limited to only one litter each year.
- Permit fees are waived for guardians who spay or neuter their animal within 14 weeks after giving birth to a litter or who relinquish the adult dog or cat to the animal shelter.

7.22.010, Minor Breeder Permit Required. No individual or business shall be a minor breeder without obtaining a permit in compliance with this chapter.

(a) A minor breeder permit shall be obtained by: (1) Any individual who intentionally or unintentionally causes or allows the breeding of a cat or dog, or makes a cat or dog available for breeding purposes; (2) Any person who offers for sale, sells, trades, receives for any compensation or gives away a dog or cats, with the exception of litters taken to the animal shelter.

(b) Minor breeders shall also: (1) Breed only one dog or one cat which results in the birthing of a maximum of one litter in a twelve-month period; (2) Not offer for sale, sell, trade, receive any compensation or give away more than one litter of dogs or one litter of cats in a twelve-month period with the exception of a litter of dogs or cats taken to the animal shelter; (3) Keep records as to the birth of litters of dogs or cats as may be required by the animal control department; (4) Keep records of the address and telephone number of each buyer or new owner of any dog or cat sold or transferred; (5) Furnish to each buyer or new owner of an animal the minor breeder permit number of the minor breeder and order that the new owner has proof and assurance that the animal was legally bred; (6) Not offer or kitten under the age of eight weeks of age for sale, trade, or other compensation or free giveaway with the exception of animals taken to the animal shelter; (7) Recommend that any animal sold, transferred, or given away be examined by a licensed veterinarian within one week of the date of transfer; and (8) Display their minor breeder permit number on all public notices advertising the sale or free giveaway of individual puppies or kittens.

(c) Any owner or person having custody of a dog or cat which has been altered within fourteen days after giving birth to a litter or who relinquishes the adult dog or cat to the animal shelter within four weeks of the birth date of the litter shall have all permit requirements waived.

7.22.020, Major Breeder Permit Required. No individual or business shall be a major breeder without obtaining a permit in compliance with this chapter.

(a) A major breeder permit shall be obtained by: (1) Any individual who intentionally or unintentionally causes or allows the breeding of a cat or dog, or makes a cat or dog available for breeding purposes; (2) Any person who offers for sale, sells, trades, receives for any compensation or gives away a dog or cats, with the exception of litters taken to the animal shelter.

(b) Major breeders shall also: (1) Not allow the birthing of more than one litter per female dog or twelve-month period; (2) Keep records as to the birth of each litter of dogs or cats as may be required by the animal control department; (3) Keep records of the name, address and telephone number of buyer or new owner of any dog or cat sold or transferred; (4) Furnish to each buyer or new owner of any animal the major breeder permit number of the major breeder in order that the new owner has proof of assurance that the animal was legally bred; (5) Not offer a puppy or kitten under the age of eight weeks for sale, trade, or other compensation or free giveaway, with the exception of animals taken to an animal shelter; (6) Recommend that any animal sold, transferred or given away be examined by a licensed veterinarian within one week of the date of transfer; and (7) List their major breeder number on all public notices advertising the sale or free giveaway of litters of or individual puppies or kittens.

7.22.050, Breeder Permit Periods. (a) Minor breeder permits shall be valid for a period of one year from the date of issuance. (b) Major breeder permits shall be issued on a litter-by-litter basis and shall be valid for one year from the date of application.

7.22.060, Fees. Fees for breeder permits shall be: (a) Minor breeder permit \$60.00; (b) Major breeder permit \$100.00 per litter.

Fort Wayne

- There is a licensing differential charging \$4 for spayed or neutered animals and \$25 for unaltered animals.
- Breeding is illegal unless a guardian obtains either a minor or major breeding permit.
- A minor breeding permit costs \$40 and may be obtained by a guardian who intentionally or accidentally causes the breeding of a cat or dog and who offers any litters for sale or trade.
- A major breeding permit costs \$100 each year in addition to a kennel/cattery fee. This is for proof of breeding.
- If guardians spay or neuter an animal within 10 weeks of the birth of a litter, the guardians must obtain a breeder permit for \$10.
- Breeders are only permitted to allow their animals to have one litter in a 12-month period.
- Guardians who allow their animals to breed and do not wish to spay or neuter or relinquish the animal to the Department of Animal Control, must have their animals microchipped and registered within 30 days of birth.
- Guardians of animals who have bred are required to furnish animal control with information on the birth of a litter, as well as records of sale, adoption, buyers/adoptioners (name, address, phone number), and the names of all animals in each litter.

Ord. 91.055. Major Breeders Permit. (A) A major breeder's permit shall be obtained by: (1) Any person who intentionally or accidentally causes the breeding of a cat or dog or makes a cat or dog available for breeding purposes; or (2) Any person who offers for sale, sells, trades, receives other compensation or gives away any litters of dogs or cats; excepting a litter of dogs or cats taken to the Department of Animal Control; (B) And such person shall: (1) Not allow the birthing of more than one litter per female dog or cat in a 12-month period; and (2) Furnish the Department of Animal Control with information on the birth of each litter of dogs or cats as may be required by Department of Animal Control to register that litter and to be assigned a litter number for each litter.

Ord. 91.056. Minor Breeders Permit. (A) A minor breeder's permit shall be obtained by: (1) Any person who intentionally or accidentally causes the breeding of a cat or dog or makes a cat or dog available for breeding purposes; (2) Any person who offers for sale, sells, trades, receives other compensation or gives away any litters of dogs or cats; excepting a litter of dogs or cats taken to the Department of Animal Control; (3) Any owner or person having custody of a dog or cat that has delivered a litter or caused the delivery of a litter, who chooses not to relinquish the animal to the Department of Animal Control or who chooses not to have the animal spayed or neutered shall cause the animal to be implanted with a microchip and to register this dog or cat within 30 days of having received notice to accomplish this procedure from the Department of Animal Control. (B) And such person shall: (1) Be allowed to have one dog or one cat which results in the birthing of a maximum of one litter in a 12-month period. Any owner or person having custody of a dog or cat which has been neutered within 10 weeks of the birth of a litter or who turns the adult dog or cat over to the Department of Animal Control within 10 weeks of the birth date of the litter will be required to purchase a minor breeder permit at the rate of \$100.00. Any owner or person having custody of a dog or cat which has delivered a litter, who chooses not to have the animal spayed or neutered, shall be required to purchase a minor breeder permit at the rate of \$40 plus any applicable kennel/cattery permit fee. The permit shall be issued provided all requirements of this chapter are met.

Hamilton County

- Spaying and Neutering is mandatory by the time any dog or cat is 9 months old unless the guardian obtains a breeder's permit.
- Any guardian intentionally or accidentally breeding an animal is required to purchase the \$50 breeder's permit.

- The ordinance also limits the number of litters a breeder can have, sell, trade or give away.

Maryland

Baltimore City

- Differential licensing charges \$10 for a spayed or neutered dog or cat and \$30 for an unaltered animal.
- In April 2002, a law was passed that gives animal control the authority to put a microchip implant in an animal the first time they are found roaming the streets.
- On the second impoundment, the animal is required to be spayed or neutered at the guardian's expense.

Sec. 10-309 (c) Impoundment; Conditions for Return to Owners. (1) On a first or subsequent impoundment of a dog or cat, the Commissioner may require that, as a condition for the animal's return to its owner or keeper: (i) a microchip, containing the information the Commissioner specifies, be implanted in the animal; and (ii) the owner or keeper agree to keep the information current, as directed by the Commissioner. (2) On a second or subsequent impoundment, the Commissioner may require as a condition of the animal's return to its owner or keeper, the animal to be altered. (3) The costs of these procedures must be paid by the owner or keeper when reclaiming the animal.

Montgomery County

- Animal control agencies and shelters have the authority to spay or neuter any dog or cat that is impounded more than once, at the owner's expense.
- The county is mandated to provide the county residents with spay/neuter clinics and offer services at a reduced rate.

Sec. 5-303 (7) (d) Multiple Impoundments. (1) If an unaltered dog or cat is impounded 2 or more times, the owner must have the animal altered at the owner's expense or surrender the animal to the County.

Sec. 5-403 (a) The county directly or by contract must establish one or more clinics where county residents may have dogs or cats altered in a humane manner by a licensed veterinarian for a fee to be regulated by the county. The county may contract for altering services by a licensed veterinarian at the veterinarian's own place of business. The fee may be: (1) uniform or based on ability to pay; and (2) waived or reduced for financial hardship.

Missouri

St. Louis

- Any impounded stray animal will be spayed or neutered at the guardian's expense.
- All stray animals caught or impounded by animal control will be microchipped.
- Differential licensing charges \$50 for unaltered animals and \$4 for spayed or neutered animals.
- Any citizen who fails to comply with this ordinance will be fined.

Sec. 10.04.150 to 10.04.160 Release fees—dogs or cats. No dog or cat should be finally released without having procedures approved by the Health Commissioner to have it spayed or neutered and micro-chip identification have been followed.

Sec. 10.04.065 Neuter Assistance and Education Fund. All fees and penalties collected under the provisions of Sections 10.04.150 and 10.04.160, not to exceed Twenty Thousand Dollars (\$20,000) per fiscal year, shall be deposited into a special fund to be known as the Neuter Assistance and Education Fund (the Fund). The purpose of the Fund shall be to offer financial assistance to qualified St. Louis residents for the spaying and neutering of their dogs and cats and to create public awareness re efforts to control pet overpopulation in the City of St. Louis. ... No dog or cat should be finally released unless procedures approved by the Health Commissioner to have it spayed or neutered have been followed.

New Mexico

McKinley County

- Differential licensing charges \$25 for unaltered dogs and cats and \$5 for spayed or neutered animals.
- With proof of sterilization, the county will refund \$20 of the unaltered license fee if provided with proof.
- Breeders are required to pay an additional \$35 for a breeder's permit.

6-2-15: (A) License Fees: 1. The annual license fee for each unneutered or unspayed dog or cat shall be \$25.00; \$20.00 will be refunded if proof of spaying or neutering is provided to the Center within 1 (45) days. 2. The annual license fee for each unneutered or unspayed dog or cat which is owned by a person sixty-two (62) years of age or older shall be \$25.00 annually; \$22.00 will be refunded if such dog or cat is neutered or spayed within forty-five (45) days. 3. For each neutered or spayed dog or cat, and for each dog or cat which neutering or spaying has been certified as a surgical risk, the annual sterilized license fee shall be \$5.00. Proof of qualification for sterilized license can only be made with a written certificate from a licensed veterinarian stating that the animal has been neutered or spayed or that neutering or spaying would be a surgical risk for the animal due to the animal's age or condition. 4. The license fee shall also apply to specially trained dogs owned, harbored or kept for the purpose of assisting the blind or

New Jersey

Camden

- Dogs and cats over the age of 6 months must be spayed or neutered.
- Animals with extreme medical conditions are excepted from the ordinance.
- Guardians of animals kept unaltered for any purpose must meet certain animal-care requirements and obtain an annual permit from the city for \$100.
- The law does not apply to animals kept in Camden for fewer than 30 days in a one-year period. § 210-39. Spaying or neutering required. [Amended 8-5-1999 by Ord. No. MC-3502]

It shall be unlawful to own, possess or keep in the City any dog or cat over the age of six months that has not been spayed or neutered, except as provided in § 210-40 of this article.

§ 210-40. Exceptions; permit to keep unspayed or unneutered pet.

The above prohibition shall not apply in the following situations:

A. Statement of veterinarian. If a licensed veterinarian states, in writing, that an animal is unfit to undergo the required surgical procedure because of an extreme health condition of the animal. Such extreme health conditions shall include, but not be limited to: severe cardiovascular compromise, bleeding disorders, severe respiratory disease and hepatic disease. The old age of an animal shall not, of itself, constitute an extreme health condition for purposes of this section.

B. If an animal is kept intact for any purpose, the owner of the animal shall be required to obtain an annual permit from the City to possess an animal that is not spayed or neutered. The permit shall be issued for \$100 and shall be issued or renewed only if the City determines that the following conditions have been met: [Amended 8-5-1999 by Ord. No. MC-3502; 3-22-2001 by Ord. No. MC-3643]

- (1) The animal is examined regularly by a licensed veterinarian.
- (2) The animal is vaccinated annually for rabies and other common diseases.
- (3) The animal is housed properly.
- (4) The owner has not been in violation of other animal-related ordinance or state laws in the past 12 months.

C. If an animal is temporarily in the City to participate in a show or event sponsored by a non-profit sanctioned animal organization.

D. If an animal is owned, possessed or kept in the City for fewer than 30 days in a one-year period. However, the owner must show proof of ownership and residency in a town other than the City and a valid, up-to-date dog or cat (if applicable) license and other.

New York

New York City

- All shelters and animal control agencies have the authority to spay/neuter all animals that are in their custody until the animals are adopted or returned to their guardians.
- All shelters are required to provide sterilization services (exceptions are made for registered shelter animals of registry)
- All animals bought from a pet shop must be spayed or neutered.

Chap. 8, Sec. 17-804. Sterilization Required. A. No full-service shelter or other shelter for homeless animals required to have a permit issued pursuant to subdivision (b) of section 161.09 of the New York City health code shall release a dog or cat to a person claiming ownership thereof, or to a person claiming such dog or cat, unless such dog or cat has been sterilized by a licensed veterinarian; provided, that such requirement shall not apply: (1) if a licensed veterinarian certifies to such shelter that he or she has examined such dog or cat and found that because of a medical reason, the life of such dog or cat would be endangered by sterilization; provided, however, that such reason shall not consist solely of

youth of such dog or cat, if such dog or cat is at least eight weeks of age.

Chap. 8, Sec. 17-804 (4) b. No pet shop shall release to a consumer a dog or cat that has not been sterilized by a licensed veterinarian; provided, however, that such requirement shall not apply to a consumer who presents to the pet shop a letter from such consumer's licensed veterinarian, dated the immediately preceding ten days, stating the reason(s) why, in the opinion of such veterinarian, dog or cat should not be sterilized until a later specific date, not to exceed four months following the date of such letter. Such letter shall state that such veterinarian will cause such dog or cat to be sterilized at the request of such consumer on or before such later specified date. Such veterinarian shall also provide to the pet shop a certificate, in such form and manner as determined by rules promulgated by the department, stating the date on which such sterilization was performed. Any consumer who provides to a pet shop with a letter with respect to a later sterilization of a dog or cat must ensure that such animal is sterilized by the date indicated in the letter.

North Carolina

Asheville

- Requires owners of fertile animals to pay a \$100 permit fee and calls for a \$200 fine if owners do not have an animal spayed or neutered within 30 days of receiving a citation.
- Makes it illegal to have a fertile animal older than 6 months without purchasing a permit.
- Prohibits animal adoption in public places unless the group conducting the adoption has a non-profit status unless the animals are spayed or neutered.

Changes to the Animal Control Ordinance Prior to May 17, 2005:

- City Council will have to decide between adopting a differential licensing or fertile animal permit.

A. Differential licensing fees for fertile and infertile dogs, Sec. 3-5 Annual Registration for Dogs

1. Annual registration for spayed/neutered dogs will be less than that for fertile dogs.
2. Owner must provide proof of sterilization when initially registering a dog.
3. The Fees and Charges Committee will set the annual fertile and infertile license fees.

B. The Fertile Animal Permit

1. The owner of a fertile animal will have to pay the City a one-time \$100.00 permit fee to keep the animal within the City.
2. The City will only enforce this section if the Animal Control Officer is investigating another violation of the ordinance.
3. If the owner is found to have a fertile animal without a permit, the fine is \$200.00.
4. If the owner gets the animal spayed or neutered within 30 days of the issuance of the fine, the City will waive the fine.

Buncombe County

- Cats and dogs over the age of 6 months must be spayed or neutered.
- Guardians of unaltered animals are required to hold a \$100 unaltered animal permit.
- Citations will be issued to those guardians of unaltered animals who do not hold a permit if they violate any other aspect of the county's ordinances pertaining to animals.
- Service and police dogs, animals kept in the county for less than 30 days, and those certified by the county as being unfit for alteration because of medical conditions are exempt from the ordinance.

Ordinance # 03-12-16

Ordinance Amending Chapter 6 "Animals" of the County Code of Ordinances

Dog and Cat Overpopulation

Spaying and neutering requirements; unaltered animals permit required. No person shall own or possess any dog or cat over the age of six months that has not been spayed or neutered unless such person has obtained an unaltered animal permit issued for such animal by the department of animal services, or any other agency authorized by law to issue such a permit, except: (a) persons who own or harbor service animals; (b) individuals who are non-residents of Buncombe County and reside temporarily in the county.

therein for a period not to exceed thirty days; (c) animal shelters and veterinary hospitals; and (d) any person who owns or harbors a dog or cat and who is in possession of a certification signed by a licensed veterinarian stating that such animal is unfit to be spayed or neutered because such procedure would endanger the life of such animal.

Obtaining an Unaltered Animal Permit

Applicants must apply for permits required by this section with the Director of Animal Services. The fee for an unaltered animal permit shall be one hundred dollars. A tag will be issued identifying the animal and must be displayed at all times.

Effective date February 1, 2004. For 60 days after the effective date, warning citations will be issued to owners of unaltered animals without a permit. After April 1, 2004, citations will be issued to owners of unaltered animals not holding a permit. If the animal is altered within 30 days, the citation will be waived. A citation will only be issued under this section if the animal is in violation of another provision of Chapter 9.01.

Ohio

Athens

- Any dog or cat over the age of six months must be spayed or neutered before being sold or given away.
- Any dog or cat under the age of six months must have proof of the purchase of spay or neuter services from a licensed veterinarian.
- Violations are subject to a minor misdemeanor fine of up to \$100 with proceeds paid to the County Injured Animal Fund.

Section 9.01.09. Spaying and Neutering of Dogs and Cats

It shall be unlawful to sell or give away in the City of Athens, Ohio, any dog or cat over the age of six months that has not been spayed or neutered, except as provided in the exceptions contained in this section.

It shall be unlawful to sell or give away in the City of Athens, Ohio, any dog or cat under the age of six months without proof of purchase of spay or neuter services from a licensed veterinarian, including a signed statement from the licensed veterinarian that such services will be rendered by the age of six months.

There is hereby excepted from the provisions of this Athens City Code Section the following:

(A) Any dog or cat that a licensed veterinarian has determined is medically unsuited to undergo sterilization procedure. A signed statement from a licensed veterinarian is required, and the signed statement shall state specifically the medical grounds for the exemption. When the dog or cat's condition precluding spaying or neutering is temporary, the licensed veterinarian shall sign a written statement as to the prognosis of when the surgery may be performed. The dog or cat shall be spayed or neutered immediately upon the expiration of the medical condition unless the veterinarian signs a written statement indicating the dog or cat's medical condition precludes it.

(B) The breeder of a dog or cat may sell or place their animals intact. The breeder of a dog or cat is defined as a person who owns or leases the dog or cat when the dam or queen was bred. To qualify for this exemption, the breeder must live in the City of Athens, Ohio. Proof of spay or neuter procedures for dogs and cats covered hereunder, shall be the responsibility of the seller, or person giving the dog or cat away. Evidence of spay or neuter procedures shall be available to the Athens City Dog Warden upon request. Any person cited pursuant to this section of the Athens City Code, shall have the citation dismissed, if there is proof of compliance within fourteen days after the date of the citation. Any person found guilty of violating this section of the Athens City Code shall be subject to a minor misdemeanor fine of up to one hundred dollars (\$100.00) with proceeds paid to the County Sick and Injured Animal Fund. Each day, after the finding of guilty, that the violation continues shall constitute a separate offense.

Richmond

- Spaying and neutering is mandatory unless guardians pay \$100 a year for a breeder's permit.
- If the guardians fail to purchase the permit, they will be fined an additional \$50.
- Breeding restrictions limit unsterilized animals to only whelp one litter per animal within the permit period.

Sec. 4-77 (a) No person shall cause or allow any dog or cat owned, harbored or kept within the City of Richmond to breed without first obtaining a breeding permit, as described below. The term "breeding permit" means a written authorization, issued annually by the Department of Public Health, giving the lawful holder permission to breed a dog or a cat. (b) Each breeding permit shall be valid for one year from the date of issuance, and may be renewed annually before its expiration date. Each applicant for a breeding permit shall pay a fee of \$100.00, which shall be used for the purpose of the City of Richmond's animal control program.

permit shall pay an annual fee of one hundred dollars (\$100.00) per dog or cat. A separate permit shall be obtained for each owned dog or cat which is allowed to breed.

Sec. 4-77 (c) (1) The owner of a female dog or cat that is not sterilized shall not allow the whelp more than one litter per animal in any household within the permit year.

Washington

King County

- All dogs and cats over 6 months old must be spayed or neutered unless the guardian buys an u for \$55.
- The county was also very aggressive at marketing its licenses by making various grocery stores shops, and veterinary clinics temporary sales outlets as well as operating door-to-door sales.
- It is illegal to advertise to King County residents the availability of any unaltered dog or cat.

Chap IV, Sec. 11.04.400. Mandatory Spaying and Neutering A. No person shall own or harbor a dog over the age of six months that has not been spayed or neutered unless the person holds a unaltered animal license for the animal pursuant to K.C.C. 11.04.030.

Chap. IV, Sec. 11.04.510. Unaltered Dogs and Cats. Advertising requirements. No person in unincorporated King County shall publish or advertise to King County residents the availability o unaltered cat or dog unless the publication or advertisement includes: the unaltered animal's lici number or the animal's juvenile license number, provided, however that nothing in this chapter s prohibit licensed breeders from advertising in national publications for sale of a planned litter or

Tacoma

- It is mandatory to spay or neuter animals impounded for the second time.
- A licensing differential increased licensing of unaltered animals from \$14 to \$50.



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Wish There Was a Law?

Visit our How You Can Improve Laws page for a step-by-step guide to passing an anti-chaining law in your community. Citizens across the country are successfully lobbying for new laws. You can do it, too!

Little Rock Residents

21 Ways to Help
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The following communities have either banned chaining, or have included tethering or chaining provisions in their animal protection ordinances. Click the headings below to see the language from the cities' ordinances or related articles (or scroll down to read all sections):

*Cut to
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page*

Communities that Prohibit Chaining

Maumelle, Arkansas	New Orleans, LA	Lawton, Oklahoma
Tucson, Arizona	Carthage, Missouri	Big Spring, Texas
Okaloosa, Florida	New Hanover, NC	Electra, Texas
Chatham Cty, Georgia		

Communities that Limit Chaining by Time

Los Angeles, CA	Jefferson County, KY	Albuquerque, NM
STATE of Connecticut	Louisville, Kentucky	Laurinburg, NC
Denver, Colorado	Baker, Louisiana	Scotland County, NC
Dania, Florida	Battle Creek, Michigan	North Royalton, Ohio
Hollywood, Florida	St. Paul, Minnesota	Bartlesville, OK
West Palm Beach, FL	Creve Coeur, Missouri	Multnomah Cnty, OR
Orange County, Florida	Laurinburg, NC	Oak Ridge, Tennessee
DeKalb Cty, Georgia	Camden, New Jersey	Austin, Texas
Bloomington, Indiana	Lower Township, NJ	Northampton Cty, VA
Dodge City, Kansas	Ocean City, NJ	Norfolk, Virginia
Lawrence, Kansas	Sea Isle City, NJ	Smithfield, Virginia
Overland Park, Kansas	Wildwood, New Jersey	Virginia Beach, Virginia
Topeka, Kansas	Wildwood Crest, NJ	Linn, Wisconsin
Wichita, Kansas	Canandaigua, NY	Racine, Wisconsin

Communities that Permit Tethering if Other Conditions are Met

Fairhope, Alabama	Noblesville, Indiana	Dennis Township, NJ
Little Rock, Arkansas	Terre Haute, Indiana	Catawba County, NC
Hemet, California	Baton Rouge, LA	Greenville, NC
Freemont, California	Ouichita, Louisiana	Bernalillo County, NM
San Diego, California	St. Charles Parish, LA	Oak Ridge, Tennessee
San Francisco, CA	Montgomery Cnty, MD	Allen, Texas
San Jose, California	Kansas City, Missouri	Richland Hills, Texas
DeKalb County, GA	Raytown, Missouri	Waco, Texas
Aurora, Illinois	Lincoln, Nebraska	Washington D.C.

Current Legislation on Tethering Dogs

Chaining is prohibited in the following communities:

[Fairhope, Alabama](#)
[Little Rock, Arkansas](#)
[Maumelle, Arkansas](#)
[Okaloosa County, Florida](#)
[Chatham County, Georgia](#)
[DeKalb County, Georgia](#)

[Carthage, Missouri](#)
[New Hanover, North Carolina](#)
[Lawton, Oklahoma](#)
[Big Spring, Texas](#)
[Electra, Texas](#)

The following communities permit animals to be chained for a limited period of time:

[Kern County, California](#)
[Los Angeles, California](#)
[Denver, Colorado](#)
[Washington, D.C.](#)
[Dania Beach, Florida](#)
[Hollywood, Florida](#)
[Orange County, Florida](#)
[Palm Beach County, Florida](#)
[Pembroke Park, Florida](#)
[Bloomington, Indiana](#)
[Dodge City, Kansas](#)
[Lawrence, Kansas](#)
[Overland Park, Kansas](#)
[Topeka, Kansas](#)
[Wichita, Kansas](#)
[Jefferson City, Kentucky](#)
[Louisville, Kentucky](#)
[Baker, Louisiana](#)
[New Orleans, Louisiana](#)
[Battle Creek, Michigan](#)
[Saint Paul, Minnesota](#)
[Creve Coeur, Missouri](#)
[Camden, New Jersey](#)

[Lower Township, New Jersey](#)
[Ocean City, New Jersey](#)
[Sea Isle City, New Jersey](#)
[Wildwood, New Jersey](#)
[Wildwood Crest, New Jersey](#)
[Canandaigua, New York](#)
[Albuquerque, New Mexico](#)
[Laurinburg, North Carolina](#)
[Scotland County, North Carolina](#)
[North Royalton, Ohio](#)
[Bartlesville, Oklahoma](#)
[Multnomah County, Oregon](#)
[Oak Ridge, Tennessee](#)
[Austin, Texas](#)
[Norfolk, Virginia](#)
[Northampton County, Virginia](#)
[Smithfield, Virginia](#)
[Virginia Beach, Virginia](#)
[Linn, Wisconsin](#)
[Racine, Wisconsin](#)

Ordinances that protect animals other than dogs:

[Tucson, Arizona](#)
[Southaven, Mississippi](#)
[Raytown, Missouri](#)

[Allen, Texas](#)
[Waco, Texas](#)

Ordinances that follow prohibiting tethering animals in public:

[Fremont, California](#)
[Hemet, California](#)
[Southaven, Mississippi](#)
[Eagan, Minnesota](#)

[Lincoln, Nebraska](#)
[Allen, Texas](#)
[Richland Hills, Texas](#)

The following are ordinances that apply to certain types of dogs:

[Fremont, California](#)
[Los Angeles, California](#)

[San Jose, California](#)
[Midwest City, Oklahoma](#)

[San Diego, California](#)

[Waco, Texas](#)

Ordinances that permit tethering, provided other conditions for their care are met:

[Little Rock, Arkansas](#)

[Hemet, California](#)

[Fremont, California](#)

[San Francisco, California](#)

[Alachua County, Florida](#)

[Aurora, Illinois](#)

[Noblesville, Indiana](#)

[Terre Haute, Indiana](#)

[Bowling Green, Kentucky](#)

[Louisville, Kentucky](#)

[Dennis Township, New Jersey](#)

[Catawba County, North Carolina](#)

[Greenville, North Carolina](#)

[Bernalillo County, New Mexico](#)

[Raytown, Missouri](#)

[Lincoln, Nebraska](#)

[Ouichita, Louisiana](#)

[Baton Rouge, Louisiana](#)

[St. Charles Parish, Louisiana](#)

[Montgomery County, Maryland](#)

[Rockville, Maryland](#)

[Oak Ridge, Tennessee](#)

[Lubbock, Texas](#)

[Richland Hills, Texas](#)

[Norfolk, Virginia](#)

Ordinances that Permit Tethering, Provided Other Conditions for Their Care Are Met

Little Rock, Arkansas
October 7, 2003

Dogs may be tethered to their own cable run, provided that their nonchoke collar is properly fitted and that the tether is at least 10 feet long and not of excessive weight. Tethers must terminate in at least one swivel to minimize tangling and must allow continual access to water, shelter, and maximum exercise space. The tether-and-run system must be configured to prevent the dog from becoming entangled or being injured or strangled.

Section 6-16:

Dogs may be restrained by means of a trolley system, or a tether attached to a pulley on a cable run, if the following conditions are met:

- 1) Only one dog may be tethered to each cable run
- 2) The tether must be attached to a properly fitting collar or harness worn by the dog, with enough room between the collar and the dog's throat through which two fingers may fit. Choke collars and pinch collars are prohibited for purposes of tethering a dog to a cable run.
- 3) There must be a swivel on at least one end of the tether to minimize tangling of the tether.
- 4) The tether and cable run must be of adequate size and strength to effectively restrain the dog. The size and weight of the tether must not be excessive, as determined by the Animal Services officer, considering the age, size, and health of the dog.
- 5) The cable run must be at least ten (10) feet in length and mounted at least four (4) feet and no more than seven (7) feet above ground level.
- 6) The length of the tether from the cable run to the dog's collar should allow access to the maximum available exercise area and should allow continuous access to water and shelter. The trolley system must be of appropriate configuration to confine the dog to the owner's property, to prevent the tether from extending over an object or an edge that could result in injury or strangulation of the dog, and to prevent the tether from becoming entangled with other objects or animals.

Hemet, California
June 27, 1978

Sec. 10-39. Prohibited acts.

(10) For any person owning or having possession, charge, custody or control of any dog to cause or permit or allow the dog to be staked out in such a manner that the rope or other attachment by which such animal is tethered permits the animal to be or to go beyond the boundaries of the unenclosed private lot or land.

Fremont, California
January 14, 1997

Chained animals must be free from danger of becoming entangled, and must have access to food, water, and shelter.

Sec. 3-5606. Animal restraints.

When a chain, rope or other restraint is used to tether an animal, it shall be so placed or attached that it cannot become entangled with the chain of any other animal or with any other object. It shall

be affixed by means of a well-fitted collar, and shall be at least four times the length of the animal as measured from the tip of its nose to the base of its tail and shall allow the animal convenient access to food, water and shelter adequate to protect the animal from the elements.

San Francisco, California
January 11, 2005

Dogs may be tethered provided they have a nonchoke collar and pulley system. The tether must be at least 10 feet in length and allow the dog access to food, water, and shelter but free of obstructions. The ordinance also gives requirements for shelter, water, and adequate exercise.

Sections 41.12 and 41.13

4. Confinement Requirements

Though highly discouraged, tethering is only acceptable if:

The tether is attached to a stake in the ground with a pulley like system.

The tether is attached to the dog by a non-choke type collar or body harness at least 10 feet in length which would allow the dog access to food, water and shelter, but free of obstructions.

Alachua County, Florida
August 31, 1999

This ordinance requires that a tether used to confine an animal weigh less than one-eighth of the animal's body weight and be at least three times as long as the animal, excluding the tail.

Chapter 72. ANIMALS

Sec. 72.10. Humane treatment for companion animals.

(c) If a companion animal is maintained on a tether, then the owner shall use a tether that weighs less than 1/8 the total weight of the companion animal and that is at least three times the body length of the companion animal from the nose to the end of the body, excluding the tail.

Aurora, Illinois
March 28, 2000

This ordinance specifies what the minimum length of the tethering device must be and prohibits devices that can become entangled.

Sec. 9-20 a. No person or owner shall treat any animal cruelly in any manner, including, but not limited to the following: (9) By tethering any animal to a fixed object unless such chains, ropes or leashes are so placed or attached that they cannot become entangled with another animal or object, and shall be of sufficient length in proportion to the size of the animal to allow the animal proper exercise and convenient access to food, water and shelter. Such tethering shall be located so as not to allow such animal to trespass on public property or private property belonging to others, nor in such a manner as to cause harm or danger to persons or other animals.

Noblesville, Indiana
December 28, 2004

This ordinance allows dogs to be tethered as long as tethers are at least 10 feet long, terminate in swivels at both ends, attach to a proper collar or harness, and are connected to a running line at least 10 feet long and less than 7 feet above the ground. Dogs tethered in any other manner may not be tethered more than eight

total hours in any 24 hour period.

Chapter 90.03 Hitching or Tying: No animal shall be hitched, tied or fastened by any rope, chain or cord that is directly attached to the animal's neck. Animals that must be tied, hitched or fastened to restrain them must wear a properly fitted collar or harness made of leather or nylon not of the choker type. This is not to prohibit the proper use of choke collars in the training of animals. A person may not restrain an animal by a fixed point chain or tether less than 10 feet for more than eight hours in a 24 hour period unless the chain or tether is at least 10 feet long, has swivels at each end and is attached to a pulley or trolley mounted cable at least 10 feet in length and mounted no more than seven feet above ground level. Any outside caged or penned animal or dog shall be kept in a cage or pen no less than 10x10x4 feet in size, equaling a 100 square foot roaming area. Violations shall be considered a Class A infraction.

Terre Haute, Indiana
November 25, 2001

This ordinance allows tethering, provided that tethers not permit strangulation and be attached to a proper collar or with a swivel to a harness. Tethers must be at least five times the dog's length and allow access to shelter and freedom of movement.

Section 6-84 h. (7): An animal shall be considered cruelly treated that is hitched, tied, or fastened by any rope, chain, or cord (or similar device) around its neck, or any rope, chain or cord attached to a choker collar permitting possible strangulation. An animal that is secured or tied should wear a properly fitted collar or harness with a swivel to prevent strangulation. The device securing the animal (chain, etc.) should be at least five (5) times the length of the dog as measured from the tip of the nose to the base of the tail, allowing access to shelter and freedom of movement.

Bowling Green, Kentucky
March 7, 2006

This ordinance prohibits the fixed-point tethering of a dog for more than one hour in any 24-hour period. No tether may weigh more than one-eighth of the dog's body weight, be less than 10 feet long, or attach to anything other than a properly fitting collar or harness. Dogs may be tethered to a pulley or trolley system provided that it is at least 10 feet long and no more than 7 feet above the ground.

1. Chapter 5 (Animals) of the Code of Ordinances is hereby amended as follows:

5-1 ANIMAL CONTROL.

5-1.01 Definitions.

As used in this Chapter:

"Confinement" shall mean:

b. Puppies and dogs:

1. It is prohibited to exclusively restrain a dog or puppy by a fixed-point chain or tether. A fixed-point restraint may be used temporarily, but not to exceed one (1) hour in a twenty-four (24) hour period.

2. A dog may be exclusively restrained by a chain or tether provided that it is at least ten (10) feet in length and attached to a pulley or trolley mounted on a cable which is also at least ten (10) feet in length and mounted no more than seven (7) feet above ground level.
3. Any tethering system employed shall not allow the dog or puppy to leave the owner's property.
4. No chain or tether shall weigh more than 1/8 of the dog or puppy's body weight.
5. Any chain or tether shall be at least ten (10) feet in length and have swivels on both ends.
6. Any chain or tether must be attached to a properly fitting collar or harness worn by the animal.

Louisville, Kentucky

Dogs may be tethered to a cable run, provided that the tether is at least 10 feet long, weighs no more than one-eighth the dog's weight, and has swivels on both ends. The tether must be attached to a properly fitting collar or harness.

Restraint

(2) For puppies and dogs restraint shall mean on the premises of the owner and confined in a secure enclosure as previously defined, or accompanied by the owner on the owner's property and under their direct control. If off the premises of the owner, the animal must be restrained by a lead or leash and under the control of a responsible person.

(b) A dog may be exclusively restrained by a chain or tether provided that it is at least ten (10) feet in length and attached to a pulley or trolley mounted on a cable which is also at least ten (10) feet in length and mounted no more than seven (7) feet above ground level.

(c) Any tethering system employed shall not allow the dog or puppy to leave the owners property.

(d) No chain or tether shall weigh more than 1/8 of the dog or puppy's body weight.

(e) Any chain or tether shall be at least ten (10) feet in length and have swivels on both ends.

(f) Any chain or tether must be attached to a properly fitting collar or harness worn by the animal.

Dennis Township, New Jersey

August 17, 2004

This ordinance requires that tethers be at least 15 feet long, be lightweight, remain tangle free, and attach to proper collars or harnesses. Tethers must allow dogs' free movement and access to a doghouse.

Section 88-13. Chaining or Tethering of Dogs.

Dogs must be able to move freely when chained or tethered. The size of the tether or chain must be a minimum of 15 linear feet and

shall remain tangle free. Dogs must be equipped with properly fitted harness or buckle type collars. The tether or chain shall be constructed of lightweight cable. A doghouse shall be accessible to dogs that are chained or tethered.

Catawba County, North Carolina

(D) Chaining or tethering an animal to a stationary object for a period of time or under conditions that an animal control officer or animal cruelty investigator deems harmful or potentially harmful to the animal. Examples of improper chaining or tethering include, but are not limited to the following:

(1) Using a length or weight of a chain or tether that is not appropriate for the size, weight and age of the animal. Guidelines for the proper weight and length of chains or tethers can be obtained from the animal shelter or animal control

(2) Using a chain or tether made of rope, twine, cord or similar material.

(3) Using a chain or tether that is less than 10 feet in length and/or does not have swivels on both ends. All chains or tethers must be attached to the animal by means of a properly fitting harness or collar of not less than one inch in width.

(4) Chaining or tethering an animal to a stationary object for a period of time or under conditions that an animal control officer or animal cruelty investigator deems harmful or potentially harmful to the animal. Examples of improper chaining or tethering include, but are not limited to the following:

(a) Using a length or weight of a chain or tether that is not appropriate for the size, weight and age of the animal. Guidelines for the proper weight and length of chains or tethers can be obtained from the animal shelter or animal control

(b) Using a chain or tether made of rope, twine, cord or similar material.

(c) Using a chain or tether that is less than 10 feet in length and/or does not have swivels on both ends. All chains or tethers must be attached to the animal by means of a properly fitting harness or collar of not less than one inch in width.

(d) Using a chain or tether that exceeds ten percent of the animal's body weight.

(e) Allowing an animal to be chained or tethered such that the animal is not confined to the owner's property or such that the chain or tether can become entangled and prevent the animal from moving about freely, lying down comfortable or having access to adequate food, water and shelter.

(f) Using a chain as a primary collar. All collars used for the purpose of chaining or tethering an animal must be made of nylon or leather.

(5) Allowing an animal to be chained or tethered such that the animal is not confined to the owner's property or such that the chain or tether can become entangled and prevent the animal from moving about freely, lying down comfortable or having access to adequate food, water and shelter.

(6) Using a chain as a primary collar. All collars used for the purpose of chaining or tethering an animal must be made of nylon or leather.

Greenville, North Carolina

This ordinance outlines what kind of tether may be used.

c. 4-5. Animal care generally.

(c) Any chain, leash, or similar device for animal restraint shall be designed and placed to prevent choking or injury to the animal.

The restraining device shall be at least ten feet in length and

placed on a swivel or on a chain run.

Bernalillo County, New Mexico

April 6, 1999

The tethering device must be in working condition.

(10) Restraint of animals shall be accomplished by adequate fencing maintained at all times to contain the animals, or by the use of tethers or chains that are tangle-free, well-fitted, and equipped with a swivel device for attachment to the animal's collar or harness.

Raytown, Missouri

December 8, 1992

Tethered animals must be free from danger of becoming entangled, and must have access to food, water, and shelter.

Sec. 4-17. Cruelty to animals and fowl.

(h) No persons shall tether, confine or restrain any animal in such a way as to permit said animal to become frequently entangled in such tether, or to render said animal incapable of consuming food or water provided for it or prevent said animal from moving to adequate shelter.

Lincoln, Nebraska

August 22, 1988

Chaining that cause pain or injury or inhibits access to food, water, and shelter is prohibited.

The Lincoln ordinance prohibits chaining methods that cause an animal injury or pain or prevent it from reaching food, water, and shelter.

6.04.330 Tethered Animals.

It shall be unlawful for any person to tether, chain, or fasten any animal in such a manner as to permit it to be upon any public sidewalk or street or to leave it unattended while tethered, chained, or fastened on public property. It shall be unlawful to tether, chain, or fasten an animal in such a manner as to cause it injury or pain or not permit it to reach shelter, food, and water.

Ouichita, Louisiana

April 22, 1988

Tethered animals must have access to food, water and shelter.

Sec. 3-46. Crimes; misdemeanors.

(4) Cruelty to animals. The following acts and omissions constitute cruel treatment to animals; therefore, it shall be a misdemeanor for any person, firm or corporation to:

d. Tether, confine, or restrain any animal in such a way as to permit said animal to become entangled in such tether, or render said animal incapable of consuming food and water for more than twenty-four (24) hours; or from obtaining shelter from the elements.

Baton Rouge, Louisiana

May 26, 1993

This ordinance specifies where an animal can be tethered and how long the tethering device must be.

Sec. 14:203. Minimum requirements for dog and cat pens and yards.

(6) Tethers used to restrict the animal to the confines of its owner's property shall be minimum length of five (5) times the length of the

Page 7 of 9

June 3, 1996

Sec. 4-13. Dogs on tethers.

Montgomery County, Maryland

Article II, Chapter 5, Sec. 5-201

II. Prohibited Conduct. A person must not tether a dog under circumstances that endanger its health, safety, or well being, including: (A) tethering a dog by any means other than a harness; (B) tethering a dog between the hours of midnight and five a.m. unless the Director grants a waiver based on extraordinary circumstances after determining that the proposed tethering will be safe and humane; (C) untended tethering of a dog during a weather emergency, or a dog-control emergency declared by the Executive, the Director, or the County Health Officer; (D) using a tether that weighs more than 1/8 of the dog's bodyweight; (E) using a tether that is less than five times the length of the dog, as measured from the tip of its nose to the base of its tail; (F) tethering that unreasonably limits a dog's movement; (G) tethering under conditions where the dog or tether can become entangled on the tether or some other object; (H) tethering that restricts a dog's access to suitable and sufficient food, clean water, and appropriate shelter; (I) tethering in unsafe or unsanitary conditions; (J) tethering that does not allow a dog to defecate or urinate in an area separate from the area where it must eat, drink, or lie down; or (K) tethering that causes injury, stress, or demonstrable socialization problems.

http://www.helpinganimals.com/ga_conditionalChaining.asp

Rockville, Maryland

June 24, 1991

This ordinance recommends against chaining, but specifies that chains must be at least ten feet long, and that the animal must be chained in his or her yard.

Sec. 3-26. Cruelty to animals.

(5) The continuous maintenance of a dog on a chain or tether is not recommended. Such confinement, however, if used requires a chain or tether of at least ten (10) feet in length, positioned so that at its greatest length prevents the dog from becoming entangled with any obstruction, from partially or totally jumping any fence, or leaving any part of its owner's property.

Oak Ridge, Tennessee

August 26, 2002

(c) A dog may be exclusively restrained by a chain or tether provided that it is at least ten feet in length, with swivels on both ends, and is properly attached to a pulley or trolley mounted on a cable which is also at least ten feet in length and mounted at least four feet and no more than seven feet above ground level in a manner so as not to interfere or become entangled with objects on the property.

(d) Any tethering system employed shall not allow the dog or puppy to leave the owner's property.

(e) No chain or tether shall weigh more than one-eighth of the dog or puppy's body weight.

(f) Any chain or tether must be attached to a properly fitting collar or harness worn by the dog or puppy.

Lubbock, Texas

March 8, 2006

This ordinance prohibits the use of tethers that are less than 10 feet long, that are not equipped with swivel ends, and that do not allow the animal to reach shelter, food, and water. Tethers must not weigh more than one-fifth of the animal's body weight and must attach to a properly fitted collar or harness rather than to a choke-type collar.

Section 4-7. Tethering Dogs and Other Animals.

It shall be unlawful for any person to tie or tether a dog or other animal to a stationary object for a period of time or in a location so as to create an unhealthy situation for the animal or a potentially dangerous situation for a pedestrian as determined by the City Enforcement Agent. The terms "unhealthy situation" and "potentially dangerous situation" shall include, but not be limited to the following:

- (1) To tether any animal in such a manner as to permit the animal access upon any public right-of-way;
- (2) To tether any animal in such a manner as to cause the animal injury or pain or not to permit the animal to reach shelter, food and/or water or otherwise create an unsafe or unhealthy situation;
- (3) To tether any animal in such a manner as to permit the animal to leave the owner's property;
- (4) To tether any animal in an area that is not properly fenced so as to prevent any person or child from entering the area occupied by said animal;
- (5) To tether any pet animal in a manner whereby the animal is subject to harassment, stings or bites from outdoor insects, or attacks by other animals;
- (6) To tether any pet animal with a tether that is less than ten (10) feet in length;

- (7) To tether any animal with a tether that is not equipped with swivel ends;
- (8) To tether any animal in such a manner that does not prevent the animal from becoming entangled with any obstruction, from partially or totally jumping any fence, or from leaving part of its owner's property.
- (9) To fail to remove waste from the tethered area on a daily basis;
- (10) To tether any animal without using a properly fitted collar or harness;
- (11) To use choke-type collars to tether any animal; or
- (12) To use a tether that weighs more than one fifth (1/5) of the animal's body weight.

Richland Hills, Texas

Animals tethered on private property may not be restrained in a manner that restricts their access to shade, water, or shelter.

Sec. 6-80. Tethering animals.

(b) Any tethered animal in a restricted access enclosure shall have continuous access to shade and water, and have unrestricted access to a wind and moisture proof shelter.

(c) Any tethered animal shall be arranged so that the tethering device cannot become tangled around trees, poles or other obstacles and prevent the access to shade, water and shelter.

Norfolk, Virginia

August 31, 1999

Chap. 6-1. When an animal is tethered, "adequate space" means a tether that permits the above actions and is appropriate to the age, size, and health of the animal; is attached to the animal by a properly applied collar, halter, or harness configured so as to protect the animal from injury and prevent the animal or tether from becoming entangled with other objects or animals, or from gaining access to public thoroughfares, or from extending over an object or edge that could result in the strangulation or injury of the animal; and is at least five (5) feet in length or three (3) times the length of the animal whichever is longer, as measured from the tip of its nose to the base of its tail, except when the animal is being walked on a leash or is attached by a tether to a lead line. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to professionally accepted standards for the species is considered provision of adequate space. Provided, however, that no animal shall be tethered for more than twelve (12) hours in a twenty-four-hour period.